

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



Project Name: LIVINGSTON QUARRY

Case Number: CUP2009-00004; PSR2009-00014; CPZ2009-00024;
HAB2009-00016; SEP2009-00028

Location: NE 262nd Avenue and NE Highland Meadows Drive

Request: The applicant is requesting: (1) a zone change to expand the Surface Mining Overlay over the site; (2) site plan approval to expand an existing quarry; and, (3) conditional use approval to operate a crusher on the site. The site is located on 170 acres in the FR-40 & FR-80 zoning districts.

Applicant: Clark County Department of Public Works
Quarry Manager: Carl Oman
4700 NE 78th Street
Vancouver, WA 98665
(360)397-6118 ext. 1606; (360)759-5883 fax
carl.oman@clark.wa.gov

Contact Person: Mark Erickson, P.E.
Maul Foster & Alongi, Inc.
7223 NE Hazel Dell Ave, Suite B
Vancouver, WA 98665
(360)624-2691; (360)906-1958 fax
merickson@maulfoster.com

Property Owner: State of Washington

RECOMMENDATION

Approve subject to Conditions

Team Leader's Initials: MB **Date Issued:** June 10, 2009

Public Hearing Date: June 25, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Team Leader:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Planner:	Jan Bazala	4499	Jan.bazala@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	David.Howe@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineer (Trans. & Stormwater):	Doug Boheman	4219	Doug.boheman@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Zoning: FR-40, FR-80

Comp Plan Designation: FR-1, FR-2

Parcel Number(s): 170393-000, 170398-000, 170395-000, and 170397-000

Township: 2N **Range:** 3E **¼ of Section:** NW ¼ of Section 11
SW ¼ of Section 11
SE ¼ of Section 11

Applicable Laws:

Title 15 (Fire Prevention), Section 40.210.010 (Forest & Agriculture District), Section 40.250.020 (Surface Mining Overlay District), Section 40.260.120 (Mines, Quarries, and Gravel Pits), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.440 (Habitat Conservation), Sections 40.500 and 40.510 (Procedures), Section 40.520.030 (Conditional Use Permits), Section 40.520.040 (Site Plan Review), Section 40.560.020 (Changes to Districts, Amendments, Alterations), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), the Clark County Comprehensive Plan, RCW 78.44, and 332-18 WAC.

Neighborhood Association/Contact:

Proebstel Neighborhood Association

Wendy Garrett
3021 NE 72nd Drive, Suite 9

PM Box 109

Vancouver, WA 98661

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 28, 2008. The pre-application was determined to be contingently vested as of August 7, 2008 (i.e., the date the fully complete pre-application was submitted). The contingent vesting date expired on March 3, 2009.

The fully complete application was submitted on April 7, 2009 and determined to be fully complete on April 9, 2009. Given these facts the application is vested on April 7, 2009.

There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on April 9, 2009 (see Exhibit No.8). Therefore, the County Code requirement for issuing a decision within 92 days lapses on July 10, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on August 7, 2009.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Proebstel Neighborhood Association and property owners within 2,640 feet of the site on April 23, 2009. One sign was posted on the subject property and two within the vicinity on June 10, 2009.

Public Comments:

E-mail April 29, 2009. Randall Kraut 27205 NE Bradford Road (**Exhibit 11**). Mr. Kraut is against the proposal, based on the additional traffic on 53rd/Bradford Road. Mr. Kraut considers 53rd Street a narrow, dangerous road.

Accident history for the area has not shown that this street is a dangerous road. See Transportation Concurrency Findings .

E-mail May 7, 2009. Mark Peebles 25911 NE Bradford Road (**Exhibit 12**). Mr. Peebles is concerned with the effects of truck traffic noise and air pollution on the neighborhood and wildlife, blasting effects on his sidewalks, and concerns about well water impacts. He trusts that the SEPA review will look after the best interests of the neighborhood.

There will be additional noise and pollution from the truck traffic from the proposal. Unfortunately, rock products needed for other development must be removed from its source and taken to where it's needed; it is not possible to evenly distribute rock sources throughout the county.

As a matter of perspective, NE 53rd Street is classified as a minor rural collector; such a designation assumes 5,000 average daily vehicle trips. Current traffic on this road is estimated at approximately 2,300 trips. Even the proposed maximum spike of 280 trips would increase the amount less than 13 percent.

Blasting will be monitored to ensure that even the closest residences are not subjected to levels of ground vibration that can damage structures.

Stormwater will be re-infiltrated to maintain, to the extent practicable, local groundwater recharge. Wells closest to the project will be monitored.

See Land Use Findings 10, 12, and 13, and Transportation Concurrency Findings.

E-mail May 31, 2009. Barb Repman 26812 NE Highland Meadow Drive (**Exhibit 26**). Is concerned with noise, heavy truck traffic, and wants the county to use the same hours as Tower Rock.

See responses above, and Land Use Finding 11.

E-mail June 8, 2009. Mark Jones 5717 NE 232nd Avenue (**Exhibit 28**). Is concerned with:

- the cumulative traffic from the two quarries, and that the traffic studies did not address the effects on a broader range of intersections --See *Transportation Concurrency Findings*.
- there seems to be limited or no ability to enforce compression brake use, the county or state's ability to confirm properly muffled compression brakes, noise, truck weight, and other truck safety considerations --*The use of compression brakes is allowed, provided they are properly muffled and maintained. Prohibiting their use is problematic, especially on a state route. Staff will provide additional info at the hearing on this issue.*
- trucks going off the road on the tight curves on SR 500 --*A condition is proposed to evaluate and pave insufficient radius corners on SR 500 as needed. See WSDOT finding and Condition A-9.*

Mr. Jones proposes that the county's quarry be used only for county projects to limit additional trips.

Project Overview

The site is located at the north the end of NE 262nd Avenue, where NE Highland Meadows Drive begins. The northwestern 60 acres of the site lies within the boundaries of Camp Bonneville.

Although the parcels noted on the GIS application packet encompass approximately 360 acres, this application is limited to 170 acres on which the county has a lease to mine from the state Department of Natural Resources, the owner of the property.

Prior mining operations have occurred on portions of the site since prior to 1980. Logging has occurred on various portions of the site periodically within the last 10 years.

Most of the site has existing slopes exceeding 15%. Several non-fish bearing streams run diagonally from northeast to southwest across the site. Two areas of "herbaceous balds", a state priority habitat, exist on the north and western portions of the site.

The expansion proposes to remove up to 300,000 tons of rock annually, of which approximately 70% is expected to be extracted and processed during the months of May through September. The life of the quarry is expected to be approximately 30 years, and to cover approximately 70 acres. Five phases are proposed; reclamation of one phase will be completed as the next phase begins. The last phase of mining will occur to within 900 feet of the south property boundary which abuts R-5 zoned properties.

The proposed hours of operation are 7:00 a.m. to 7:00 p.m.. During the construction season 70 round trips (140 trips) per day is requested, with occasional "spikes" in trips of up to 280 trips per day during special road projects.

This application includes:

- A rezone request to expand the Surface Mining Overlay from 50 acres to include the entire 170 acre site. The Surface Mining overlay will allow mining (extracting) as a permitted use, and rock crushing as a conditional use;
- a conditional use permit for the crusher;
- a site plan review for the mine and crusher; and,
- a habitat permit to remove an herbaceous bald.

The site is located immediately west of another rock quarry and crusher site operated by Tower Rock Products. The Tower Rock site is also known as the "Livingston Mountain Quarry" (as opposed to the county's project name "Livingston Quarry"), which received approvals under PSR2002-00044, APL2003-00006 (**Exhibit 29**), CUP2007-00013 (**Exhibit 30**) and APL2008-00006 (**Exhibit 31**). A review of the conditions of PSR2002-00044 was completed under MZR2008-00079 (**Exhibit 32**).

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	FR-1 & FR-2	FR-80 & FR-40	Vacant-previous logging and mining activities
North	FR-1	FR-80	Forest lands/Camp Bonneville
East	FR-1 & FR-2	FR-80 & FR-40	Livingston Mountain quarry site

South	R-5	R-5	Homes on 3-5 acre lots
West	FR-1 & FR-2	FR-80 & FR-40	Forest lands

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|----------------------------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Land Use Finding 1: Zoning

The property is zoned FR-40 and FR-80. In order to mine or process rock in any zone, a Surface Mining Overlay is required. The fifty acres of the 170 acre site that abut the south and west property lines of the Tower Rock site already has the required overlay; however, the proposed quarry expansion will require the expansion of the overlay. The status of the overlay as a zoning district, as opposed to a Comprehensive Plan designation is somewhat ambiguous. The county's policy is that establishment of new Surface Mining Overlays where none existed should be through the comprehensive plan amendment (Type IV) process; expansions of existing overlays can be accomplished through a Type III process.

Under the Surface Mining Overlay District provisions of 40.250.020(B), mining is a permitted use, subject to Type II site plan review. Processing rock, however (i.e. crushing), is a conditional use, which requires a Type III process.

Land Use Finding 2: Rezoning Criteria

40.560.020.G. includes the approval criteria for zone changes. Zone changes may be approved only when all of the following are met:

1. The requested zone change is consistent with the comprehensive plan map designation.

The comprehensive plan designations for the site are Forest Resource 1 and Forest Resource 2, which is consistent with the site's FR-80 and FR-40 zoning of the site. The Surface Mining Overlay District may be combined with any other zoning district; therefore this criterion is satisfied.

2. The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.

Three zoning districts are applicable in this case:

Surface Mining Overlay District. The purpose of the surface mining overlay district is to ensure the continued use of rock, stone, gravel, sand, earth and minerals without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare. Provisions of Chapter 78.44 RCW and Chapter 332-18 WAC applicable to Clark County pertaining to surface mining are adopted by reference.

RCW 78.44.010, states the following:

The legislature recognizes that the extraction of minerals by surface mining is an essential activity making an important contribution to the economic well-being of the state and nation. It is not possible to extract minerals without producing some environmental impacts. At the same time, comprehensive regulation of mining and thorough reclamation of mined lands is necessary to prevent or mitigate conditions that would be detrimental to the environment and to protect the general welfare, health, safety, and property rights of the citizens of the state. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biologic, and social conditions are significantly different, and reclamation specifications must vary accordingly. Therefore, the legislature finds that a balance between appropriate environmental regulation and the production and conservation of minerals is in the best interests of the citizens of the state.

Expanding the existing overlay will help ensure the continued supply of rock. Most of the adjacent land uses are resource-oriented, and conditions of approval should safeguard the public welfare.

Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest 1 policies of the comprehensive plan. The Forest 80 district applies to lands which have been

designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.

Forest 40 District. The purpose of the Forest 40 district is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals.

Surface mining is a natural resource-based industry. Once reclamation is completed, the land will return to forest production.

Staff finds that the second rezone criterion is satisfied.

3. The zone change either:

- a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;**
- b. Better implements applicable comprehensive plan policies than the current map designation; or**
- c. Corrects an obvious mapping error.**

The applicant responds to sub 3(a), noting that this expansion will encompass the county's leased area. The existing overlay site will eventually be exhausted and expansion of the overlay into the remaining leased area is necessary to expand to meet future (changing) needs .

Staff notes that it may also be found that under sub 3(b), the expansion better implements the comprehensive plan policies, since under the comprehensive plan's mineral lands policy 3.5.7, land should not be used for other uses until the resource is commercially depleted and policy 3.5.14 recommends that mining should continue on existing active sites. While the county's portion of the rock resource site is not currently active, the adjacent Tower Rock site is active.

4. There are adequate public facilities and services to serve the requested zone change.

The applicant states that water and sewer facilities will not be necessary, as bottled water and portable restroom facilities will be provided. The applicant acknowledges that addition heavy trucks will accelerate wear on local roads, and anticipates the need for a road maintenance agreement.

Staff finds that the four rezone criteria are satisfied.

Land Use Finding 3: Conditional Use

According to the applicant, the multiple permits (such as state stormwater, air quality, erosion control) required for the crusher and proposed mitigations related to noise will address project related impacts. The applicant notes that resource related land uses (including the existing Tower Rock site) abut the site on the north, east, and west sides of the site.

Land Use Finding 4: Surface Mining Overlay Site Area (40.250.020.D)

The site area must be at least 20 acres, with a minimum 60 foot width if extraction is combined with either asphalt mixing, concrete batching, clay bulking or rock crushing. The site easily meets these requirements.

Land Use Finding 5: Fencing (40.250.020.D)

The site shall be fenced according to the Department of Natural Resources' standards. **(See Conditions A-7.b and D-1)**

Land Use Finding 6: Setbacks (40.250.020.D)

The tops and toes of cut and fill slopes shall be set back from property boundaries according to the Department of Natural Resources' standards for safety of the adjacent properties, and to prevent damage resulting from water runoff or erosion of slopes. **(See Condition D-2)**

Land Use Finding 7: Erosion Control, Drainage, and Benching (40.250.020.D)

Erosion control and drainage issues will be addressed through the county's stormwater review and the Department of Ecology's Sand and Gravel Permit to monitor process water from gravel washing operations well. **(See Conditions A-5 and A-12 and Stormwater Finding 2)**

Forty foot wide benches are shown on most of the preliminary site plan profiles; the vertical faces to be approximately 20 feet in height. No portion of the bench/slope ratio will exceed a 1:1 slope, which should result in meeting future DNR reclamation requirements. Per 40.250.020.D.9, benches shall not be more than 40 vertical feet apart, and swales or ditches on benches shall have a maximum gradient of five percent (5%). **(See condition D-3)**

Land Use Finding 8: Access Roads Maintenance (40.250.020.D)

Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the director of public works, to minimize problems of dust, mud and traffic circulation. The application proposes an 18 foot wide gravel driveway from the site to NE Highland Meadows Drive.

Planning staff is concerned that an 18 foot wide gravel driveway will not be wide enough for two-way truck traffic. This could cause a backup on NE 262nd Avenue if entering trucks need to wait for trucks exiting the driveway. Staff is also concerned that a gravel driveway will produce dust that may reduce visibility between county quarry traffic and Tower Rock traffic and other traffic on NE Highlands Drive and NE 262nd Avenue. Therefore, as a SEPA mitigation, the driveway shall be paved and maintained to a width of 24 feet. **(See SEPA Condition 1 and Condition A-6)**

Land Use Finding 9: 40.250.020.H Land restoration

Under Section 40.250.020.H, a land restoration plan is required. Under RCW 78.44 a mining reclamation plan must be approved by the state DNR. Prior to final site plan approval, the applicant must submit an approved reclamation plan from the Washington DNR which incorporates the county provisions of 40.250.020.H. A separate narrative or plans as necessary shall accompany the DNR reclamation plan, referencing how the provisions of 40.250.020.H are met through the DNR reclamation plan. **(See Condition A-4)**

Land Use Finding 10: Noise

CCC40.250.020(D)(5) establishes the maximum permissible noise levels in accordance with the provisions of the Washington Administrative Code (WAC) 173-60; however CCC20.50.025(1)(g) (the Clark County SEPA policies for noise) states that:

“new sources of noise (are to) be limited to the maximum environmental noise levels of WAC 173-60; even within these regulatory standards, an increase of more than five (5) decibels (dBA) over ambient noise levels at the receiving properties may be considered significant. It is further the county’s policy to encourage that sources of noise otherwise exempt from Chapter 173-60 WAC that may affect existing or proposed residential uses (e.g., traffic, discharge of firearms, utility installations, etc.) be mitigated to the standards thereof as a Class B source of noise (i.e., fifty-seven (57) dBA), and to require noise studies where necessary to assure that proposals address these policies.”

Under the Tower Rock crusher approval (CUP2007-00013), the examiner considered ten (10) decibels over ambient noise levels to the adjacent residences as being significant in this area. Based on ambient noise levels presented under the Tower Rock applications PSR2002-00044 and MZR2008-00079, the county established a maximum allowable sound level of 43dBA at Tower Rock’s east property line, and 46 dBA at their south property line. These noise levels are measured using the statistical sound level limit of L₂₅, which means that sound cannot exceed the allowable limit more than 15 minutes per hour. All references to dBA in this report assume the hourly L₂₅ measurement.

A noise study completed by Daly-Standlee and Associates (DSA) were submitted with the application materials (**Exhibit 7**). DSA served as the county’s noise consultant in reviewing sound studies prepared by Alfred Duble for the Tower Rock site.

DSA performed ambient noise level monitoring (without any Tower Rock quarry activity) at three sites between the proposed quarry and the residential properties to the south and southeast of the site (see figure 8 of Exhibit 7). Table 6 on page 22 of the noise study lists the ambient levels near the south property line between 36 and 38 dBA. By comparison, Duble found ambient noise at 36 dBA on the south side of the Tower Rock site. DSA assumes the same 33 dBA ambient noise level at the east side of the Tower Rock site as was established by Duble under the Tower Rock reviews.

In order to maintain consistency in measuring allowable SEPA noise levels, staff recommends that ambient plus 10 dBA also be the maximum allowable noise level for this project. Therefore, the maximum allowable noise should be between 46 and 48 dBA at the county’s south monitoring locations.

Table 10 on page 37 of the noise study indicates that the most likely affected residences to the east and south will all be under the maximum allowable dBA levels if the mitigation measures in the study are followed. Mitigation measures include:

- Equipment noise controls, such as plastic instead of wire crusher screens
- Fabricated barriers to screen crusher
- Locating the crusher close to a high wall of the quarry

- Overburden berms
- Rock drill barriers
- Generator enclosure

The noise study allows flexibility in how a particular mining plan achieves noise compliance; not all options will necessarily be required. Prior to the set up of the crusher, the operator shall submit a letter from an acoustical engineer stating the combination of proposed mitigations should be sufficient to meet SEPA noise levels. **(See Condition B-4)**

To ensure compliance with these maximum allowable noise levels, continuous noise monitoring should be installed at the locations noted M1, M2 and M3 as shown in figure 8 of Exhibit 7. Once operations begin, actual readings should be recorded to establish whether three stations are necessary, or whether one or two can representatively capture actual noise levels occurring at the residences to the south. **(See SEPA Condition 2 and Condition A-7.c)**

It is possible that once the county's quarry and the Tower Rock site are both operating simultaneously that cumulative noise levels may exceed each quarry's allowable noise levels **(See Exhibit 24)**. Once county operations begin, testing will be required to distinguish, to the extent practicable, between Tower Rock's and the county's contribution to noise to ensure that each operation is not exceeding their own separate allowable noise levels. A continuous noise monitor shall be installed along the east property line of Tower Rock's site or at tax lot 170424-000 (the Barbara Repman residence) assuming the owner allows access. **(See SEPA Condition 3 and Condition A-7.d)**

Based on a 2002 Washington Court of Appeals case, *Boehm v. City of Vancouver* analysis of cumulative impacts is not required under SEPA unless there is some evidence that the project will facilitate future action that will result in additional impacts or the project is dependent on subsequent proposed development. This application will not facilitate additional quarries, nor is it dependent on a future development.

Therefore, Tower Rock can not be made responsible to lower their noise output because of the opening of the county's quarry, nor can the county be precluded from counting Tower Rock as an ambient sound source.

Discriminating "white noise" type backup alarms have been shown to be both safe and effective. Such backup alarms shall be required on all equipment under the control of the operator. **(See SEPA Condition 4 and Condition A-7.e)**

According to WAC Chapter 173-60, noise from traffic on off-site roads is exempt from the noise standards; however, the county's SEPA policy encourages otherwise-exempt noise levels to meet a maximum limit of 57 dBA to residential properties. The noise study predicts that cumulative noise from the truck operation and compression brake use combined should not exceed 55 dBA for more than 15 minutes per hour to adjacent residential properties at least 50 feet away from the haul route.

Land Use Finding 11: Hours of Operation:

The original applicant for the Tower Rock site plan review (PSR2002-00044) proposed (and received approval for) hours of operation from 8:00 A.M. and 5:00 P.M. Monday through Friday and up to 25 Saturdays per year between 8:00 A.M. and 5:00 P.M.. After Tower Rock began operations under those hours, they requested to expand those hours when they applied for a conditional use permit under CUP2007-00013. They proposed to allow truck trips and maintenance associated with the crusher between 6 A.M to 8 P.M.. Staff recommended hours of 7 A.M. to 8 A.M. and 5 P.M to 6 P.M. for truck loading and maintenance, with mining and crushing operations to remain at 8-5 (**see “hours of operation” section, Exhibit 33**). Ultimately, the examiner determined that the application did not meet the burden of proof to warrant a change in hours. Lack of proof included:

- the fact that their noise study did not address the WAC nighttime noise levels in effect prior to 7 A.M.;
- that some conditions of approval to address noise from the approved site plan for the quarry were not being followed; and,
- the conditional use crusher review was requested to be kept separate from the mining-only site plan approval.

It should also be noted that many neighborhood residents were against any expansion of hours because it would affect their quality of life.

Tower Rock appealed the hours of operation to the Board of County Commissioners under APL2008-00006. The Board upheld the examiner's decision 2 to 1 that the record did not support the change of hours. (**See Issue 1 of Exhibit 31**)

The county operation proposes hours of operation from 7:00 A.M. to 7:00 P.M.. An e-mail from Carl Oman of Public Works explains that the need for the 7:00 A.M. start-up is needed to allow trucks to arrive at job sites early enough to meet the demands of standard 7:00 A.M construction start up hours (**See Exhibit 25**). It should be noted that the 7:00 starting time does not trigger state nighttime noise standards which end at 7:00 A.M..

CCC40.250.020(D)(6) allows mining operations between 6:00 A.M. and 8:00 P.M., *unless otherwise approved by the responsible official*. In response to past neighborhood concerns regarding noise and truck traffic, staff recommends that hours of operation be set at 7:00 to 6:00 P.M., Monday through Friday, and up to 25 Saturdays per year, limiting mining and crushing hours from 8-5. These hours are consistent with staff's recommendation under CUP2007-00013. This should concentrate the maximum amount of noise between 8-5, but accommodate the need for trucks to meet early delivery times. The suggested 6:00 P.M. closing time allows residents additional quiet time in the evenings. (**See SEPA Condition 5 and Conditions A-7.f and D-5**)

Land Use Finding 12: Blasting

Blasting will be required as part of the mining operation. Ground vibrations caused by blasting is regulated by WAC296-52-67065; the maximum allowable ground vibrations are assumed to protect nearby structures from damage. The closest residences to the mining site are located approximately 900 feet to the south.

A blast-monitoring program to physically measure levels of ground movement and sound shall be utilized for all blasts. To ensure that ground vibrations are within allowable levels, two seismographs shall be placed south of the site, and two shall be placed east of the site.

The south seismographs shall be at the two residences closest to the blasting site; provided, that if permission from the owner or resident cannot be obtained, the seismographs shall be located on the county's site, between the two closest residences and the blast site. Two additional monitors shall be placed either at two separate locations along the east property line of the Tower Rock site, tax lot 170400-000, or at the residences located on tax lots 170424-000 (Repman) or 170421-000 (Stiff), as permission is allowed. Information generated from the blast-monitoring program shall be given to all residents requesting this data. **[See SEPA Condition 7 and Condition A-7.g.(3)]**

A program utilizing registered or certified mail with return receipt shall be implemented to inform people living within 2,500-foot of the 170 acre site boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the active phase limits of the quarry operation shall also be contacted 72 hours prior to blasting. **[See SEPA Condition 8 and Condition A-7.g.(2)]**

A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie within the 1,000-foot radius from active phase limits of the quarry operation. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations. Once blasting has taken place on the site the radius may be enlarged, as reviewed and approved by Clark County, if homes are found to be affected by the blasting. **(See SEPA Condition 6 and Condition B-7)**

Land Use Finding 13: Groundwater

Maul, Foster and Alongi submitted a groundwater assessment based on well log information **(Exhibit 22)**. The assessment finds that significant impacts to neighboring wells is unlikely due to most wells' depth and distance from the site, and the fact that stormwater will be infiltrated back into the site via "shot rock" pits. A baseline monitoring program is proposed for those residences within 1,000 feet of the site. The intent of the baseline program is to evaluate the groundwater conditions of nearby wells before the county begins mining.

The baseline assessment should be initiated at least one year prior to operations beginning at the county's quarry. Baseline assessment will include collecting one pre-mining water quality sample from each well and monitoring of water levels in the wells. Water levels will be measured monthly for the first twelve months for the first year, and quarterly thereafter until the county's mine begins operating, or for up to two years, whichever is less. Measurements and quality samples shall be conducted according to

the procedures noted on page 6 of the MFA groundwater assessment, Exhibit 22. Additional assessment will occur after operations begin if a nearby well experiences a significant change in conditions. Measurements and quality samples shall be conducted according to the procedures noted on page 6 of the MFA groundwater assessment, Exhibit 22. **(See SEPA Condition 9 and Condition A-14)**

In the event that the quarry's operations are determined to be significantly affecting a monitored well, the applicant (i.e. county) shall, at its option, modify or replace the well. **(See SEPA Condition 10 and Condition D-7)**

Land Use Finding 14: Air quality

The crusher will require a permit from the Southwest Clean Air Agency to control dust from the crushing operations. Dust control for roads will also need to meet SWCAA requirements. **(See Conditions B-9 and D8)**

Land Use Finding 15: Phasing

This application proposes five operational phases over a 30 year lifespan. Section 40.500.010 regulates phasing of developments such as subdivisions and commercial/industrial site plans. Operational quarry phasing plans are generally not discreet, in that each phase tends to "melt" into the next. All "phases" will be governed by the same conditions on blasting, noise, road impacts, etc.. Therefore, one final site plan should be sufficient over the life of the quarry, and extensions of phases will not be required.

Land Use Finding 16: Camp Bonneville considerations

The north sixty acres of the 170 acre site are within the old Camp Bonneville army site. The site is proposed to be transferred to the county under a *Prospective Purchaser's Consent Decree*, to be used primarily for recreational and wildlife uses. The proposed mining activity will require a modification the *Camp Bonneville Re-use Plan*, which is primarily under the oversight of the state Department of Ecology. **(See Condition A-1)**

Conclusion (Land Use):

Staff concludes that the proposed rezone and preliminary plan, subject to conditions identified below, meets, or can meet, the land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 1: Archaeological pre-determination

An archaeological pre-determination was performed by Archaeological Services of Clark County and submitted to DAHP for their review. DAHP concurred with the findings that no further work is necessary in the areas affected by the proposed five phases. In the event that the quarry is ever expanded beyond the proposed five phases, additional study will be required. The standard condition regarding inadvertent discovery of resources will be required to be placed on the final site plan. **[See Condition A-8.a(1)]**

Conclusion (Archaeology):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

HABITAT:

Habitat Finding 1: Riparian habitat

There are several riparian Habitat Conservation Zone's (HCZ's) on the subject parcel. The riparian designations are associated with several tributaries of Matney Creek that flow through the property. Some of the streams qualify as Department of Natural Resources (DNR) type Np (non-fish bearing, perennial), whereas two others are DNR type Ns (non-fish bearing, seasonal) watercourses in this area. According to the Habitat Conservation Ordinance (Title 40.440.010), a DNR type Np watercourse requires a 100' riparian HCZ, whereas a DNR type Ns requires a 75' riparian HCZ. The applicant is proposing to avoid mining or development within the riparian HCZ's on the site. **(See Conditions A-7.a and A-8.a(2, 3,& 4), A-8.b&c, and A-15.a)**

Habitat Finding 2: Other priority habitat

The applicant has also mapped three "herbaceous balds" on the property. Balds are a Washington Department of Fish and Wildlife (WDF&W) designated Priority Habitat under the new Priority Habitats and Species list (August, 2008). Balds are described as areas of rocky, shallow soils containing low-growing grass/forb communities. They are commonly weather exposed or burn scarred areas in this part of the state. Balds provide important habitat for a variety of wildlife, including several state threatened or endangered species.

Habitat Finding 3: Mitigation for bald removal

The applicant proposes to mine one of the three balds on the property. The habitat quality of this bald is low since it is heavily dominated by invasive species and crowded by adjacent forest. The applicant worked with WDF&W to develop an acceptable plan that complies with Title 40.440 (see Exhibit 6). As mitigation, the applicant plans to enhance another existing bald on the property by selectively thinning or girdling trees that are crowding the bald. This will provide important snag habitat for wildlife as well as preserve or enhance the grassland community within the bald. **(See Condition A-2)**

Habitat Finding 4: SEPA

The applicant revised the boundaries of the overall mine layout to avoid a 75-foot riparian HCZ of an additional Type Ns stream. Beyond the purview of the Title 40.440, but applicable to the SEPA review, is the maintenance of the existing stream flow within this seasonal creek. The applicant is proposing a 75-foot drainage-contributing basin in conjunction with the required 75-foot setback for Title 40.440, in order to maintain stream hydrology.

As identified in the applicant's drainage analysis of the additional Ns stream (**Exhibit 16**), a reduction in stream flow will occur during the later phases of mining, as the stream becomes more perched. However, staff concurs with the applicant that given the flashy, highly seasonal flow regime in the current stream channel, reductions in flow will not cause significant stream degradation. Furthermore, the applicant's study indicated all stormwater will be infiltrated and available for recharge of the lower sections of the sub-basin. All infiltrated stormwater capable of entering the creek is proposed for stormwater treatment. Based on the applicant's analysis in the drainage study, staff finds that no significant adverse environmental impacts will occur to the stream.

Conclusion (Habitat):

Staff finds the proposed application can comply with the Habitat Conservation Ordinance, subject to the conditions of approval.

BUILDING SAFETY:

According to the applicant, no permanent structures are proposed. Temporary structures such as office trailers do not require building permits. Permanent structures, if proposed in the future, may require site plan review and building permits. **(See Condition E-2)**

WSDOT

The submitted Traffic Impact Study prepared by Lancaster Engineering states that there will be 140 daily truck trips generated by the quarry. These additional truck trips may have an impact on the condition of the asphalt surface in several locations.

On SR 500 there are five small radius 90 degree corners, three to the north and two to the south of the intersection of SR 500 and NE 53rd Street. Our concern is that as loaded trucks with trailers go around these tight corners, the trailers will track to the inside of the corner and run off the asphalt surface. This off-tracking of the trailers will cause the edge of the asphalt to unravel and crumble. WSDOT requests that the County evaluate the condition of the asphalt in these locations and determine the need to place additional asphalt to prevent the deterioration of the roadway surface. **(See Conditions A-9 and D-13)**

TRANSPORTATION:**Transportation Finding 1: Intersection Design**

The intersecting angle made by the access road and NE 262nd Avenue is less than the 60 degrees. CCC 40.350.030 (B)(5)(a) identifies minimum intersection angles. Intersection angles less than 60 degrees can impede sight distance for vehicles leaving the site. **(See Condition A-10.a).**

CCC 40.350.030 (B)(5)(c) requires rural driveways to be paved from the edge of the public road to the right-of-way or to twenty feet from the edge, whichever is greater. **(See Condition A-10.b).**

Transportation Finding 2: Sight Distance

The applicant's narrative identifies the intersection sight distance for southbound traffic on NE 262nd Avenue is limited due to vegetation near the intersection. Results of a speed study conducted by Tower Rock indicate that the sight distance is adequate for the measured speed of traffic approaching.

Intersection sight distance for northbound traffic on SR 500 is limited due to vegetation near the intersection. Vegetation will need to be removed up to a height of eight feet to attain the minimum allowable sight distance. **(See Condition A-10.c).** For southbound traffic, the available sight distance is expected to be sufficient for traffic speeds near the

intersection. The applicant will provide a speed study to confirm this assumption. **(See Condition A-10.d).**

Conclusion (Transportation):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Consideration should be given to understanding the meaning of terms used prior to reviewing the following data. Therefore, the definitions provided by the *Institute of Transportation Engineers (ITE) 7th Edition Trip Generation Users Guide* are as follows:

*Average Daily Trip**: The average 24-hour total of all vehicle trips counted to and from the proposed development site Monday through Friday.

*Average Trip Rate for the Peak Hour of the Adjacent Street Traffic***: The one-hour weighted average vehicle trip generation rate from the proposed development site between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m., when the combination of its generated traffic and the traffic on the adjacent street is the highest.

*Trip****: A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside the proposed development.

*Average Daily Trips were estimated by the applicant's traffic study based on historical daily trip values obtained from other County operated quarry facilities.

**Average Trip Rates for the Peak Hour were estimated by the applicant's traffic study based on historical daily trip values obtained from other County operated quarry facilities.

***Types of vehicles used for estimating a trip are all passenger vehicles, single dump truck four axle, dump truck/pup seven axle, dump truck/pup eight axle, belly dumps eight axle, and side dumps.

Transportation Concurrence Finding 1: Trip Generation

Existing:

The applicant's traffic study has performed manual traffic counts at the intersection of NE 262nd Avenue/NE 53rd Street/NE Bradford Road. These counts showed that the am peak hour occurred from 7:00 – 8:00am and the pm peak hour occurred from 5:00 – 6:00pm. The applicant's study has indicated that the traffic counts were performed in August 2008.

Proposed:

The applicant is proposing a quarry and rock crushing operation immediately adjacent to the previously approved Livingston Mountain Quarry facility. The applicant provided the following trip generation estimates (See Table 1). The applicant also included a short-term peak trip generation that was derived from historic peak traffic levels from existing County operated quarry operations (See Table 2).

These trip generation estimates include both employee trips and quarry truck operations:

Table 1 – Projected Average Operation Levels

Scenario	Average Daily Traffic (ADT)	AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out
Trucks	120	7	3	4	7	3	4
Employees	20	5	5	0	5	0	5
Total Trips	140	12	8	4	12	3	9

Table 2 – Projected Short-Term Peak Operation Levels

Scenario	Average Daily Traffic (ADT)	AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out
Total Trips	280	24	16	8	24	6	18

The applicant's study also indicates that the short-term peak operation trip generation estimate was used for this impact analysis to represent the 'worst-case scenario' during full site operation.

It should be noted, the applicant's study indicates that historic short-term peak duration is over a 10-day period. This 10-day period occurred when two major construction projects required material simultaneously.

Based on these projected operational levels, quarry production should not exceed an average of 70-loaded truck trips/day during normal operations. Short-term peak production periods should not exceed a maximum of 140-loaded truck trips/day for periods longer than 10 consecutive days. **(See Condition A-7.h and D-10)**

Transportation Concurrency Finding 2: Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at these locations.

The applicant's traffic study analyzed the intersection of NE 262nd Avenue/NE Bradford Road. The submitted study shows that this intersection will operate with minimum delays at an estimated LOS A at build-out of the development.

The submitted traffic study shows that the LOS was evaluated at peak hour traffic conditions in existing and build-out scenarios, meeting the requirements as outlined in Clark County Code Section 40.350.020 (G) Level of Service standards. County Staff concurs with the traffic study findings.

Transportation Concurrency Finding 3: Concurrency Compliance

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(D). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance.

The intersection of SR 500/NE 53rd Street is under the primary jurisdiction of the Washington State Department of Transportation (WSDOT) with the County having a secondary jurisdiction; because of this, the County's Concurrency Code has been applied to this intersection. The submitted traffic study has analyzed this unsignalized intersection, which yielded a LOS B or better at the development build-out.

The submitted traffic study shows that the LOS was evaluated at peak hour traffic conditions in existing and build-out scenarios and meets the requirements as outlined in Clark County Code Section 40.350.020 (G)(1)(b) & (f). County Staff concurs with the traffic study findings.

The County has forwarded the development information to WSDOT for comments, findings and/or conditions of approval.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Transportation Concurrency Finding 4: Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study reviewed the study intersections for turn lane warrants and found that with the low traffic volumes, turn lanes would not be warranted at the studied intersections. County staff agrees with the traffic study findings.

Transportation Concurrency Finding 5: Historical Accident Situation

The applicant's traffic study shows that there is no accident history reported for the study intersections. County staff has verified the accident history and concurs with the traffic study findings. Therefore no further analysis for safety mitigation is required.

Transportation Concurrency Finding 6: Road Adequacy

A Preliminary Flexible Pavement Evaluation, prepared by Columbia West Engineering, Inc. dated August 31, 2007 was submitted as a part of the previous Tower Rock Livingston Mountain Quarry development (PSR2007-00045). This evaluation included the extraction of asphalt core samples from NE 53rd Street and NE 262nd Avenue. The existing pavement sections were shown as follows:

Asphalt Coring Location	Field Data	
	Measured Asphalt thickness, inches.	Measured Aggregate Base thickness, inches.
NE 53rd Street	7.5	4
NE 262nd Avenue	3.5	4

This evaluation concluded that the existing pavement section is adequate today. But, the continual and increased truck traffic loading will reduce the anticipated life of the pavement structure. This evaluation also stated that maintenance and repair should be a part of the planned mitigation for serviceability requirements. Also, structural overlays could be considered as a long-term mitigation plan to maintain or increase serviceability. County Operations Staff has performed an analysis based on the proposed additional "loaded" truck traffic and identified the need for a structural overlay on NE 262nd Avenue and NE 53rd Street.

In order to mitigate for the unique pavement wear on NE 262nd Avenue and NE 53rd Street, the applicant should volunteer a yearly maintenance payment. This payment could be accomplished with an internal fund transfer within the County's Department of Public Works. This maintenance cost transfer should be based on the incremental increase of loaded vehicles compared to the Tower Rock Livingston Mountain Quarry. The incremental increase should also consider the calculated structural overlay depth and associated costs identified in the previously approved Tower Rock Livingston Mountain Quarry PSR2007-00045 decision.

The first increment of the maintenance cost should be transferred from the Livingston Quarry account as a lump sum of \$19,318 to the Clark County Pavement Preservation Fund prior to starting operations. Subsequent annual payments shall be adjusted from the \$19,318 baseline amount based on the Seattle Engineering News Record (ENR) - Construction Cost Index (CCI) for the remainder of the anticipated 30-year life of the quarry. The recalculated amount shall then be transferred to the Clark County Pavement Preservation Fund by December 31 of each year. The applicant should enter into the Agreement for Pavement Improvements prior to the start of proposed operations. (See Exhibit A – Calculation of Pavement Wear Payments and Exhibit B – Agreement for Pavement Improvement Fees). **(See Conditions A-11, B-8 and D-11).**

This volunteered yearly maintenance payment transfer would be over and above the required mitigations as established for the Tower Rock Livingston Mountain Quarry PSR2007-00045.

Transportation Concurrency Finding 7: Sight Distance

Sight distance issues are addressed by Transportation Engineering; therefore, this issue will not be addressed here.

Conclusion (Transportation Concurrency):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC40.350.020.

STORMWATER:

Stormwater Finding 1: Applicability

Stormwater and Erosion Control Ordinance CCC 40.380 apply to land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will disturb land not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Finding 2: Stormwater Proposal

The proposed mine development will comply with Clark County's Stormwater Ordinance, adopted July 28, 2000. Wet ponds and infiltration basins are proposed for quantity and control of stormwater runoff from active-quarry areas. The County code requires runoff from the water quality design storm (70% of the 2-year, 24-hour design storm) be treated prior to discharge, and that infiltration facilities accommodate and dispose of runoff generated during the 100-year, 24-hour design storm event.

Infiltration testing was not conducted because of the nature of the infiltration basins. Clark County staff concurred that infiltration testing can be conducted at the time the infiltration basins are constructed, with the caveat that an engineer must redesign the infiltration basins if the test rate is less than 60 inches per hour. **(See Conditions B-1 and D-12)**

The State of Washington Department of Ecology's National Pollution Discharge Elimination System (NPDES) Sand and Gravel General Permit requires stormwater conveyance systems be sized to accommodate the 10-year, 24-hour storm. In accordance with CCC 40.380.040 (C)(4)(c)(2), the 25-year, 24-hour design storm was used for sizing on-site stormwater conveyance systems. Pipes or other closed conveyance system elements will be sized to accommodate flows generated from all storms up to the 100-year, 24-hour design event.

The stormwater facility is proposed as a private system and maintained by the property owner. **(See Condition A-15.b).**

The project shall not materially increase or concentrate stormwater runoff onto an adjacent property. **(See Condition A-12.a).**

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Protection Finding 1: Fire Marshal review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Fire Protection Finding 2: Building construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition E-2).**

Fire Protection Finding 3: Blasting permit

A Blasting Permit, issued by the Fire Marshal, is required prior to blasting operations begin. **(See Condition B-5)**

Fire Protection Finding 4: Explosives storage

Explosives shall not be stored overnight on site. **(See Condition B-5)**

Fire Protection Finding 5: Site inspection

The site shall be inspected by the Fire Marshal's Office prior to blasting. **(See Condition B-6)**

Fire Protection Finding 6: Blast monitoring and reporting

Seismic monitoring shall be conducted in the blast area; all monitoring reports shall be forwarded to the Fire Marshal's Office. **(See Condition D-6.c)**

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1: Water and sanitary facilities

The application does not propose water or sewer facilities. Portable restroom facilities will be provided. Bottled drinking water is proposed, and water for crusher operations and dust control will be trucked in from off-site.

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:**Finding 1: Traffic Impact Fees**

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Rural II TIF Sub-area with a fee rate of \$72 per new trip for a total of \$8,687. These fees must be paid prior to final site plan approval. **(See Condition A-17)**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination: Mitigated Determination of Non-Significance (MDNS). Clark County, as lead agency for review of this proposal, has determined that this proposal, as mitigated, will not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County. This information is available to the public on request. There will be no additional comment period for this determination beyond the date noted below.

Public Comment Deadline: June 24, 2009

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$203**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Planner: Jan Bazala, (360) 397-2375, ext.4499.
Team Leader : Travis Goddard, (360) 397-2375, ext. 4180.

Responsible Official: Michael V. Butts

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

SEPA CONDITIONS

The county finds that certain aspects of the project could have significant impacts if not adequately mitigated. The following conditions are required in order for the county to find that the project has mitigated for potential adverse environmental impacts:

1. The driveway shall be paved to at least 24 feet wide for a distance of at least 300 feet from 262nd Avenue to allow for two way truck traffic from NE Highland Meadows Drive to the site and to minimize dust. **(See Land Use Finding 8)**
2. Noise levels from the county's quarry operation shall not exceed 46 to 48 dBA at the south property line, as continuously monitored at the locations shown as M1, M2, and M3 on Figure 8 in the DSA noise study, Exhibit 7. Fewer monitors may be allowed if it can be demonstrated that fewer monitors can accurately represent maximum noise levels affecting the residences to the south. **(See Land Use Finding 10)**
3. Noise levels from the county's quarry operation shall not exceed 43 dBA at the east property line of the Tower Rock site. A continuous noise monitor shall be installed along the eastern property line of the Tower Rock's site or at the residences on tax lots 170424-000 or 170421-000, if those owners allow access. **(See Land Use Finding 10)**
4. Discriminating backup alarms shall be used on all equipment under control of the operator. **(See Land Use Finding 10)**
5. Overall hours of operation are 7:00 A.M. to 6:00 P.M., Monday through Fridays, and up to 25 Saturdays per year. Extraction and crushing activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M.; truck traffic, loading of crushed rock, equipment maintenance and blasting preparation (except rock drilling) are allowed from 7:00 A.M. to 6:00 P.M.. **(See Land Use Finding 11)**
6. A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie within the 1,000-foot radius from active phase limits of the quarry operation. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations. **(See Land Use Finding 12)**
7. Seismographs shall be placed at the two residences closest to the blasting area south of the site; provided, that if permission from the owner or resident cannot be obtained, the seismographs shall be located on the county's site, between the two closest residences and the blast site. Two additional monitors shall be placed either at two separate locations along the northeast and southeast property corners of the Tower Rock site, tax lot 170400-000, or at the residences located on tax lots 170424-000 (Repman) or 170421-000 (Stiff), as permission is

allowed. Information generated from the blast-monitoring program shall be given to all residents requesting this data. **(See Land Use Finding 12)**

8. A program utilizing registered or certified mail with return receipt shall be implemented to inform people living within 2,500-foot of the 170 acre site boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the active phase limits of the quarry operation shall also be contacted 72 hours prior to blasting. **(See Land Use Finding 12)**
9. Well monitoring for properties within 1,000 feet of the perimeter of the 170 acre site shall be done twice a year during the anticipated high and low water table months as is practicable prior to obtaining final site plan review approval. Measurements and quality samples shall be conducted according to the procedures noted on page 6 of the MFA groundwater assessment, Exhibit 22. Monitoring shall continue on a yearly basis for a total of three yearly cycles. **(See Land Use Finding 13)**
10. The county shall modify or replace those monitored wells determined to be significantly affected by the county's quarry operations. **(See Land Use Finding 13)**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibits 6 and 19), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction / Site Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1** The applicant/operator shall provide documentation that the project can comply with any conditions required by the state Department of Ecology pursuant to the *Prospective Purchaser's Consent Decree and Camp Bonneville Re-use Plan*. A copy of any conditions shall be provided. **(See Land Use Finding 16)**

- A-2** The applicant shall implement the habitat mitigation plan prepared by Maul, Foster, Alongi and dated February 9, 2009, except as amended herein. Any revisions to the proposed mitigation plan may be subject to additional habitat review. **(See *Habitat Findings 1 and 3*)**
- A-3** No part of the overall slope will exceed a ratio of 1:1. Benches shall not be more than 40 vertical feet apart, and swales or ditches on benches shall have a maximum gradient of five percent (5%). **(See *Land Use Finding 7*)**
- A-4** An approved reclamation plan from the Department of Natural Resources shall be submitted. A separate narrative or plans as necessary shall accompany the DNR reclamation plan, referencing how the provisions of 40.250.020.H are met through the DNR reclamation plan. **(See *Land Use Finding 9*)**
- A-5** The applicant shall provide evidence that the applicant has complied with applicable Department of Ecology stormwater and process water discharge requirements. **(See *Land Use Finding 7*)**
- A-6** The driveway shall be paved to at least 24 feet wide for a distance of at least 300 feet from 262nd Avenue to allow for two way truck traffic from NE Highland Meadows Drive to the site and to minimize dust. The driveway shall be maintained in good repair. **(See *SEPA condition 1 and Land Use Finding 8*)**
- A-7** The following notes shall be placed on the face of the final site plan:
- a. "No clearing or development for purposes of mining shall occur within the habitat preservation areas as delineated in Exhibit 14." **(See *Habitat Finding 1*)**
 - b. "Fencing and setbacks are required by the Department of Natural Resources shall be maintained at all times." **(See *Land Use Finding 5*)**
 - c. "Noise levels from the county's quarry operation shall not exceed 46 to 48 dBA at the south property line, as continuously monitored at the locations shown as M1, M2, and M3 on Figure 8 in the DSA noise study, Exhibit 7. Fewer monitors may be allowed if it can be demonstrated that fewer monitor(s) can accurately represent maximum noise levels affecting the residences to the south." **(See *Land Use Finding 10*)**
 - d. "Noise levels from the county's quarry operation shall not exceed 43 dBA at the east property line of the Tower Rock site. A continuous noise monitor shall be installed along the eastern property line of the Tower Rock's site or at the residences on tax lots 170424-000 or 170421-000, if those owners allow access." **(See *Land Use Finding 10*)**
 - e. "Discriminating backup alarms shall be used on all equipment under control of the operator." **(See *Land Use Finding 10*)**
 - f. "Overall hours of operation are 7:00 A.M. to 6:00 P.M., Monday through Fridays, and up to 25 Saturdays per year. Extraction and crushing

activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M.; truck traffic, loading of crushed rock, equipment maintenance and blasting preparation (except rock drilling) are allowed from 7:00 A.M. to 6:00 P.M.." **(See Land Use Finding 11)**

g. "Blasting-

- (1)** A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie within the 1,000-foot radius from active phase limits of the quarry operation. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations.
- (2)** A program utilizing registered or certified mail with return receipt shall be implemented to inform people living within 2,500-foot of the 170 acre site boundary with information regarding blasting parameters and proposed blasting schedules. Individuals residing within 1,500-feet of the active phase limits of the quarry operation shall also be contacted 72 hours prior to blasting.
- (3)** Seismographs shall be placed at the two residences closest to the blasting area south of the site; provided, that if permission from the owner or resident cannot be obtained, the seismographs shall be located on the county's site, between the two closest residences and the blast site. Two additional monitors shall be placed either at two separate locations along the northeast and southeast property corners of the Tower Rock site, tax lot 170400-000, or at the residences located on tax lots 170424-000 (Repman) or 170421-000 (Stiff), as permission is allowed. Information generated from the blast-monitoring program shall be given to all residents requesting this data." **(See Land Use Finding 12)**

- h.** "Quarry production shall not exceed an average of 70-loaded truck trips/day during normal operations. Short-term peak production periods shall not exceed a maximum of 140-loaded truck trips/day for periods longer than 10 consecutive days." **(See Transportation Concurrency Finding 1)**

A-8 Final Construction Plan – The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:

- a.** The following notes shall be placed on the face of the final construction plans as follows:

- (1) "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (***See Archaeology Finding 1***)
 - (2) "Prior to any groundbreaking activities for each phase, the applicant shall place habitat signage along the habitat preservation boundaries that will be adjacent to the project boundaries." (***See Habitat Findings 1 and 4***)
 - (3) "No clearing or development for purposes of mining shall occur within the habitat preservation areas as delineated in Exhibit 19." (***See Habitat Finding 4***)
 - (4) "Habitat signs shall read "habitat conservation area-- please leave in a natural state." (***See Habitat Finding 1***)
- b. The locations of habitat signage shall be clearly shown on the Engineering Construction Plans set. (***See Habitat Finding 1***)
 - c. All proposed habitat mitigation shall be shown on the Engineering Construction Plans set. (***See Habitat Finding 1***)

A-9 The county shall evaluate the condition of the asphalt in the five small radius 90 degree corners, three to the north and two to the south of the intersection of SR 500 and NE 53rd Street, and determine the need to place additional asphalt to prevent the deterioration of the roadway surface. If deemed necessary, the county shall pave the additional paved area. (***See WSDOT Finding***)

A-10 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The access from the site onto NE 262nd Avenue shall be realigned such that the angle of intersection is greater than 60 degrees (less than 120 degrees). (***See Transportation Finding 1***).
- b. The access shall be paved from NE 262nd Avenue's edge of pavement to the property line or for 20 feet, whichever is greatest. SEPA condition 1 and Condition A-6 may impose a greater length and width of pavement. (***See Transportation Finding 1, Land Use Finding 8, and SEPA condition 1***)
- c. Vegetation shall be cleared to maintain minimum sight distance at the intersection with 53rd Street for northbound traffic on SR 500. (***See Transportation Finding 2***)

- d. The applicant shall provide a speed study at time of final review confirming that adequate sight distance exists at the intersection of 53rd and SR 500 for southbound traffic on SR500 (*See Transportation Finding 2*).

A-11 Final Transportation Plan/Off Site (Concurrency) - The applicant shall enter into an agreement with Clark County Transportation regarding a yearly maintenance cost transfer based on a structural overlay requirements for the identified primary haul route, NE 262nd Avenue and NE 53rd Street. (*See Transportation Concurrency Finding 6*)

A-12 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The project shall not materially increase or concentrate stormwater runoff onto an adjacent property. (*See Stormwater Finding 2*)

A-13 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-14 Groundwater-

A water well baseline assessment program will be implemented for wells recommended for testing in the MFA groundwater assessment exhibit. The baseline assessment will be initiated at least one year prior to operations beginning at the county's quarry. Baseline assessment will include collecting one pre-mining water quality sample from each well and monitoring of water levels in the wells. Water levels will be measured monthly for the first twelve months for the first year, and quarterly thereafter until the county's mine begins operating, or for up to two years, whichever is less. Measurements and quality samples shall be conducted according to the procedures noted on page 6 of the MFA groundwater assessment, Exhibit 22. Additional assessment will occur after operations begin if a nearby well experiences a significant change in conditions. These records shall be maintained by the Public Works department, and available at the public's request. (*See Land Use Finding 13*)

A-15 Other Documents Required – The following documents shall be submitted with the Final Construction Plan:

- a. The applicant shall record a Habitat Conservation Covenant with the Auditor's Office for all remaining habitat areas on the site. (*See Habitat Finding 1*)
- b. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by

Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. **(See Stormwater Finding 2)**

A-16 Excavation and Grading - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

A-17 Transportation Impact Fees of \$8,687 shall be paid prior to final site plan approval. **(See Impact Fees Finding 1)**

B	Prior to Commencement of Operations
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	Review & Approval Authority: Development Inspection
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Prior to quarrying or crushing operations, the following conditions shall be met:

B-1 Infiltration testing - Infiltration testing for the infiltration basins shall be tested, and shall attain at least 60 inches per hour. **(See Stormwater Finding 2)**

B-2 Erosion Control - Prior to ground disturbance, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall not be removed without County approval.

B-4 Prior to the set up of the crusher, the operator shall submit a letter from an acoustical engineer stating the combination of proposed mitigations should be sufficient to meet SEPA noise levels. **(See Land Use Finding 10)**

B-5 A Blasting Permit, issued by the Fire Marshal, is required prior to blasting operations begin. **(See Fire Protection Finding 3)**

B-6 The site shall be inspected by the Fire Marshal's Office prior to blasting. **(See Fire Protection Finding 5)**

B-7 A program of pre-blasting structural surveys shall be conducted by an independent third party for all residents requesting one whose homes lie within

the 1,000-foot radius from active phase limits of the quarry operation. This survey shall be offered by the operator at no cost to the homeowners and they shall receive copies of the report and copies of any photographs taken. This structural inspection will establish the homes pre-blasting condition and, should there later be questions about the effect of blasting upon their home, this report will document conditions prior to the start of quarrying operations. Once blasting has taken place on the site the radius may be enlarged, as reviewed and approved by Clark County, if homes are found to be affected by the blasting. **(See Land Use Finding 12)**

B-8 The applicant shall transfer, from the Livingston Quarry account, a lump sum of \$19,318 to the Clark County Pavement Preservation Fund prior to starting operations. **(See Transportation Concurrency Finding 6)**

B-9 The crusher will require a permit from the Southwest Clean Air Agency to control dust from the crushing operations. Dust control for roads will also need to meet SWCAA requirements. **(See Land Use Finding 14)**

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

D	Operational conditions Review & Approval Authority: Various departments
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The following conditions shall be met on an ongoing basis:

D-1 The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced according to the Department of Natural Resources' standards. **(See Land Use Finding 5)**

D-2 The tops and toes of cut and fill slopes shall be set back from property boundaries according to the Department of Natural Resources' standards for safety of the adjacent properties, and to prevent damage resulting from water runoff or erosion of slopes. **(See Land Use Finding 6)**

D-3 The bench/slope ratio shall not exceed 1:1, and meet the requirements of Section 40.250.020. **(See Land Use Finding 7)**

D-4 **Noise**

- a. Noise levels from the county's quarry operation shall not exceed 46 to 48 dBA at the south property line, as continuously monitored at the locations shown as M1, M2, and M3 on Figure 8 in the DSA noise study, Exhibit 7. Fewer monitors may be allowed if it can be demonstrated that fewer

monitor(s) can accurately represent maximum noise levels affecting the residences to the south.

- b. Noise levels from the county's quarry operation shall not exceed 43 dBA at the east property line of the Tower Rock site. A continuous noise monitor shall be installed along the eastern property line of the Tower Rock's site or at the residences on tax lots 170424-000 or 170421-000, if those owners allow access.
- c. A combination of noise mitigation measures noted in the DSA noise study (**Exhibit 7**) shall be used to meet noise level requirements.
- e. Discriminating backup alarms shall be used on all equipment under control of the operator. (**See Land Use Finding 10**)

D-5 Overall hours of operation are 7:00 A.M. to 6:00 P.M., Monday through Fridays, and up to 25 Saturdays per year. Extraction and crushing activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M.; truck traffic, loading of crushed rock, equipment maintenance and blasting preparation (except rock drilling) are allowed from 7:00 A.M. to 6:00 P.M.. (**See Land Use Finding 11**)

D-6 Blasting-

- (a) Once blasting has taken place on the site the radius of the pre-blast structural surveys in **Condition A-6.g(1)** may be enlarged, as reviewed and approved by Clark County, if homes are found to be affected by the blasting.
- (b) Seismographs shall be placed at the two residences closest to the blasting area south of the site; provided, that if permission from the owner or resident cannot be obtained, the seismographs shall be located on the county's site, between the two closest residences and the blast site. Two additional monitors shall be placed either at two separate locations along the northeast and southeast property corners of the Tower Rock site, tax lot 170400-000, or at the residences located on tax lots 170424-000 (Repman) or 170421-000 (Stiff), as permission is allowed. Information generated from the blast-monitoring program shall be given to all residents requesting this data. (**See Land Use Finding 12**)
- (c) Blast monitoring results shall be sent to the Fire Marshal's office. (**See Fire Protection Finding 6**)
- (d) Explosives shall not be stored overnight on site. (**See Fire Protection Finding 4**)

D-7 The county shall modify or replace those monitored wells determined to be significantly affected by the county's quarry operations. (**See Land Use Finding 13**)

- D-8** The operation and crusher shall comply with the requirements of the Southwest Clean Air Agency. *(See Land Use Finding 14)*
- D-9** Quarry production shall not exceed an average of 70-loaded truck trips/day during normal operations. Short-term peak production periods shall not exceed a maximum of 140-loaded truck trips/day for periods longer than 10 consecutive days.
- D-10** Quarry operations shall notify Clark County Transportation in writing within 5 days of each occurrence of short-term peak production periods and the anticipated duration. *(See Transportation Concurrency Finding 1)*
- D-11** Subsequent annual payments noted in Condition B-8 shall be adjusted from the \$19,318 baseline amount -based on the Seattle Engineering News Record (ENR) - Construction Cost Index (CCI) for the remainder of the anticipated 30-year life of the quarry. The recalculated amount shall then be transferred to the Clark County Pavement Preservation Fund by December 31 of each year. *(See Transportation Concurrency Finding 6)*
- D-12 Infiltration testing** - As infiltration basins are relocated, infiltration testing for the infiltration basins shall be tested, and shall attain at least 60 inches per hour. *(See Stormwater Finding 2)*
- D-13** The condition of the asphalt noted in the WSDOT Finding shall be evaluated as needed by the county to help ensure that damage to the corners caused by the county's contribution of truck traffic is minimized.

E	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- E-1 Commencement of operations** - Within 5 years of preliminary plan approval, quarrying operations at the site shall commence.
- E-2 Building and Fire Safety**
Building, Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

F	Post Development Requirements Review & Approval Authority: As specified below
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H-1 Reclamation of the site shall meet DNR standards.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$303**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Map of property owners receiving notice
- Copy of Proposed Preliminary Plan
- Exhibit List

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		
-On-site landscape plan		x
-Right-of-way landscape plan*		x
Final Wetland Plan		x
Final Habitat Plan		x

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

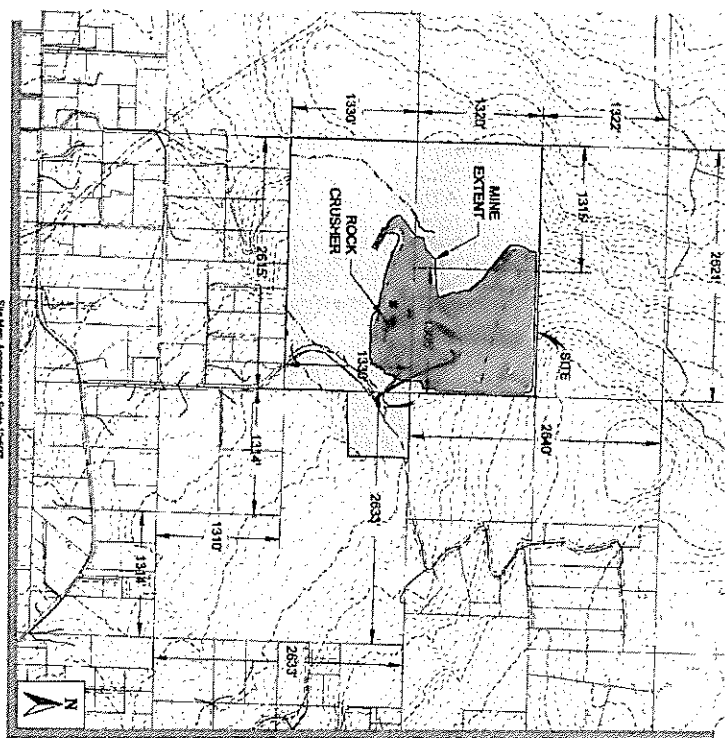
Project Name:

Case Number:

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

Setback Requirements by Lot

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Street-side Setback
(e.g., 1-10)					



PREPARED BY:
MAUL FOSTER & ALONGI, INC.

SITE INFORMATION

- [illegible]

ABBREVIATIONS

- | | | | |
|------|--------------------------|----|-----------|
| AC | ACRES | RD | ROAD |
| CF | CUBIC FEET | EE | EAST/EAST |
| CV | CUBIC YARDS | SL | SLOPE |
| EL | ELEVATION | SW | SOUTHWEST |
| DTG | DISTINGUISHING | TP | TYPICAL |
| DTG | DISTINGUISHING | W | WEST/WEST |
| INM | INFORMATION SYSTEM | | |
| HWY | HIGHWAY | | |
| MAIL | MAIL FOSTER & LONG, INC. | | |
| MIN | MINIMUM | | |
| MAX | MAXIMUM | | |
| MTS | NOT TO SCALE | | |

DRAWING INDEX

- C40 COVER SHEET
- C10 EXISTING CONDITIONS
- C21 PHASE 1 SITE PLAN
- C22 PHASE 2 SITE PLAN
- C23 PHASE 3 SITE PLAN
- C24 PHASE 4 SITE PLAN
- C25 PHASE 5 BORE PLAN
- C30 STORMWATER FACILITY PLAN
- C40 EROSION CONTROL PLAN

OWNER

STATE OF WASHINGTON SCHOOL LANDS
MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES

APPLICANT

CARL CHAN
CLARK COUNTY DEPT. OF
4100 NE 78TH STREET
VANCOUVER, WA 98665
TEL (206) 297-8318 x 1600
FAX (206) 759-0803
carlchan@clark.wa.gov

CONTACT

MARK ERICSSON
MAUI FOSTER ALONGA, INC.
7722 NE HAZEL DELL AVE., SUITE #
VANCOUVER, WA 98005
TEL: (206) 694-7381
FAX: (206) 606-1050
mfoal@maui-foal.com

IMPACT FEES

IMPACT FEE SHALL BE \$72 PER VEHICLE TRIP. IMPACT FEES ARE DUE AT TIME OF ISSUANCE OF BUILDING PERMITS AND ARE NOT A LEND PLACED AGAINST THE PROPERTY AT THE TIME OF FINAL APPROVAL.

LIVINGSTON QUARRY VOLUME SUMMARY TABLE

PHASE	VOLUME (CY)
1	254.164
2	1,408.822
3	734.008
4	586.627
5	1,847.826
TOTAL	7,121.756

Notes: One in two from the original library. It has one copy in the library, about a year ago.

COVER AND INDEX SHEET
LIVINGSTON QUARRY
CLARK COUNTY DEPARTMENT OF PUBLIC WORKS
CLARK COUNTY, WASHINGTON



WPA JOB #: 9258 04.01
 ISSUE DATE: 03/18/2006
 CHECKED: M. Erickson
 DECKED: M. Erickson
 DRAWN: E. Johns

 MAUL FOSTER ALONG
 7223 NE Hazel Dell Avenue, Suite B
 Vancouver, WA 98666
 509.694.2811 fax 360.956.1958
 www.mfaulfooster.com



HEARING EXAMINER EXHIBITS

APPLICATION: LIVINGSTON QUARRY

CASE NUMBERS: CUP2009-00004; PSR2009-00014; CPZ2009-00024; HAB2009-00016; SEP2009-00028

Hearing Date: June 25, 2009

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	3/19/09	Applicant, Maul Foster & Alongi, Inc.	Cover and Index Sheet, Existing Conditions, Phase Plans; Stormwater Facility Plan, Erosion Control Plan
6	3/19/09	Applicant, Maul Foster & Alongi, Inc.	Application Submittal Package (Cover Sheet and Table of Contents, Application Forms, Application fee, Pre-application Conference Report, GIS Packet, Site Plan Review Narrative, Conditional use Permit Narrative, Legal Lot Determination Information, Approved Preliminary Plats Abutting the Site, Proposed Development Plan, Soil Analysis Report, Preliminary Stormwater Design Report, Proposed Stormwater Plan, Project Engineer Statement of Completeness and Feasibility, Phasing Plan, Traffic Study, SEPA, Sewer Utility Reviews Letter, Water Utility Reviews Letter, Health Dept Project Review Evaluation Letter, Covenants or Restrictions, Associated Applications, Habitat Permit Mitigation Plan, Drainage Study, Receipt Confirmation of Archaeological Predetermination Report)
7	3/19/09	Applicant, Maul Foster & Alongi, Inc.	Noise Study of the Livingston Quarry Conditional Use Application
8	4/9/09	CC Development Services	Fully Complete Determination
9	4/23/09	CC Development Services	Affidavit of Mailing Public Notice
10	4/23/09	CC Development Services	Notice of Type III Development Review Application and Public Hearing
11	4/29/09	Randall Kraut	Comment Letter

EXHIBIT NO.		SUBMITTED BY	DESCRIPTION
12	5/8/09	Mark Peebles	Comment Letter
13	5/12/09	Applicant, Maul Foster & Alongi, Inc.	Description of Gravel Washing Process
14	5/20/09	CC Development Services	Notice of Public Hearing for June 25, 2009
15	5/22/09	Applicant, Maul Foster & Alongi, Inc.	Traffic Addendum Re: Peak Impact
16	5/22/09	Applicant, Maul Foster & Alongi, Inc.	Drainage Analysis of Stream Feature at Livingston Quarry
17	5/22/09	Applicant, Maul Foster & Alongi, Inc.	Revised Conditional Use Permit Narrative
18	5/22/09	Applicant, Maul Foster & Alongi, Inc.	Revised Zone Change Narrative
19	5/26/09	Applicant, Maul Foster & Alongi, Inc.	Revised phase 5 plan
20	5/26/09	Applicant, Maul Foster & Alongi, Inc.	DAHP Approval Letter
21	5/26/09	Applicant, Maul Foster & Alongi, Inc.	Affidavit of Posting Land Use Sign
22	5/27/09	Applicant, Maul Foster & Alongi, Inc.	Groundwater Assessment
23	5/27/09	Applicant, Maul Foster & Alongi, Inc.	Additional Analysis (Revised)
24	5/27/09	Applicant, Maul Foster & Alongi, Inc.	DSA Cumulative Noise Estimation for Tower Rock and County Quarry
25	5/28/09	Applicant, Carl Oman	Need for 7:00 am hours
26	5/31/09	Barbara Repman	Public Comment e-mail
27	6/2/09	WSDOT	Project comments for SR 500
28	6/7/09	Mark Jones	Public Comment e-mail
29	6/9/09	CC Development Services	APL2003-00006 decision
30	6/9/09	CC Development Services	CUP2007-00013 decision
31	6/9/09	CC Development Services	APL2008-00006
32	6/9/09	CC Development Services	MZR2008-00079
33	6/9/09	CC Development Services	CUP 2007-00013 Hours of operation memo

34	6/10/09	CC Development Services	Affidavit of Posting Public Notice
35	6/10/09	CC Development Services	Staff Report & Recommendation
36			
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Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810

